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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/584,810	05/31/2000	Dimitri Kanevsky	13539(YOR9-2000-0196US1)	2276

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EXAMINER	
BOUTAH, ALINA A	

ART UNIT	PAPER NUMBER
2143	

DATE MAILED: 05/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/584,810	KANEVSKY ET AL.	
	Examiner	Art Unit	
	Alina N Boutah	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 May 2000* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *31 May 2000* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "text formatting server" page 6, line 19. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: 113 and 114 of figure 1. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

The specification is objected to because the blank spaces on pages 10 and 11 are not filled. Appropriate action is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 5, 7, and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5 recites the limitations: "the UCS" in line 10, and "the description module" in line 11. There are insufficient antecedent basis for these limitations in the claim.

Claim 7 recites the limitations: "the computer" and "the user" in line 4, "the data format" in line 7, "the operating system" in line 8, and "the system" in line 24, there are insufficient antecedent basis for these limitations in the claim.

Regarding claim 7, the phrase "for example," "i.e." and "e.g." render the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim 16 recites the limitations: " the UCS" in line 11, and "the description module" in lines 11-12. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 4, 6, 8, 9, 11, 12, 13 and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by USPN 6,092,114 issued to Shaffer et al.

Regarding claim 1, Shaffer et al. teach a method for re-formatting computer files, comprising the steps:

inputting a data file into a computer (Abstract);

determining if the data file is compatible with the computer or applications which exist on the computer (Abstract; col. 2, lines 31-34);

if the data file is not compatible with the computer, transmitting the data file over the Internet to a universal server (Abstract; col. 3, lines 4-6, lines 21-37); and

the universal server, transforming the data file into a format compatible with the computer, and sending the transformed data file back to the computer (figure 1; col. 3, lines 21-37; col. 5, lines 22-42).

Regarding claim 2, Shaffer et al. teach a method according to Claim 1, wherein the transforming step includes the steps of, the universal server identifying the type of file, and transforming the file into a different format of the same type (col. 1, line 55 – col. 2, line 3).

Regarding claim 4, Shaffer et al. teach a method according to claim 1, wherein, when data needs to be converted, the data are sent to a universal conversion server; the universal conversion server finds that the service cannot convert a certain file, the service looks in a computer description; the computer description can be located on the computer or on a universal conversion server database (col. 3, lines 1-13).

Regarding claim 6, Shaffer teaches a method according to claim 1, wherein file gets converted from one application format or version into another (col. 2, lines 1-3).

Regarding claim 8, this is similar to claim 1 therefore is rejected under the same rationale as specified above.

Regarding claim 9, this is similar to claim 2 therefore is rejected under the same rationale as specified above.

Regarding claim 11, this is similar to claim 4 therefore is rejected under the same rationale as specified above.

Regarding claim 12, this is similar to claim 1 therefore is rejected under the same rationale as specified above.

Regarding claim 13, this is similar to claim 2 therefore is rejected under the same rationale as specified above.

Regarding claim 15, this is similar to claim 4 therefore is rejected under the same rationale as specified above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 3, 10 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaffer et al. in view of CERN Conversion Service.

Regarding claim 3, Shaffer et al. fails to teach a method according to claim 1, further comprising the steps of: a user of the computer identifying user requirements; and transmitting the user requirements to the universal server; and wherein the transforming step includes the step of re-formatting the file in accordance with the user requirements.

CERN teaches a method for re-formatting a computer file comprising steps of: a user of the computer identifying user requirements; and transmitting the user requirements to the universal server; and wherein the transforming step includes the step of re-formatting the file in accordance with the user requirements (CERN User Guide, page 1-4). At the time the invention was made, it would have been obvious to one of ordinary skill in the art to incorporate the teaching of CERN into the teaching of Shaffer et al. allow the file conversion to be performed according to the user's need.

Regarding claim 10, this is similar to claim 3 therefore is rejected under the same rationale as specified above.

Regarding claim 14, this is similar to claim 3 therefore is rejected under the same rationale as specified above.

Claims 5 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaffer et al. in view of Probert, Jr. et al.

Regarding claim 5, Shaffer et al. fail to teach a method according to claim 1, wherein when a computer's operating system is not compatible with a program, the program is sent to a Universal Driver where the program is to be formatted; when being formatted, the program is looked over to identify components of the program including links to the program source code, the program's executable code, the program's file name; entering data to a database of source codes, where many source codes are held; and if the same name exits among more than one program in to database UCS reads the information from the description module (col. 3, line 13 to col. 4, line 57; col. 5 line 34 – col. 12, line 50). At the time the invention was made, it would have been obvious to one of ordinary skill in the art to incorporate the teaching of Probert Jr. into the teaching of Shaffer et al. in order to determine whether data can be converted locally and to save the description of the computer in a database so that it can be used in the future, thus maximizing the system's capability.

Regarding claim 16, this is similar to claim 5 therefore is rejected under the same rationale as specified above.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 6,549,918 issued to Probert, Jr. et al in view of CERN.

Regarding claim 7, Probert Jr. et al. teach a universal program conversion method, comprising the steps of: entering data into the computer either from the user or from network (col. 1, line 60 – col. 2, line 19);

checking to determine whether the data format is compatible with the operating system (OS) in the computer (col. 1, line 60 to col. 2, line 19; col. 3, line 13 to col. 4, line 57);

if the format is not compatible, sending the data to a Universal Driver (col. 3, line 13 to col. 4, line 57);

on the Universal Driver, reformatting the data into a format compatible to the OS (for example, audio data can be formatted from OS in Apple to OS in Intel) (col. 3, line 13 to col. 4, line 57);

if it is determined that the data are compatible with the system, then checking to determine whether it is necessary to reformat the data (col. 3, line 13 to col. 4, line 57);

if the data do not need to be reformatted, processing the data as the user requests; and

otherwise, sending the data to the universal server; and this server checking whether the data are executables -- i.e., programs that were obtained after compilation; if the data are executables, then checking the Universal Driver to determine whether the data can be formatted on the Universal Driver; if the data can be so formatted, then formatting the data at the Universal Driver; and then sending the formatted data to the user; if the data can not be formatted at the Universal Driver, then checking to determine if the source code exists on a storage of source code; if the source code exists, then recompiling the data in a new OS, and then sending the data

to the user; checking for instructions to format data; after the checking step, formatting the data are formatted according to the instructions, and then sending the data to the user (Abstract; col. 3, line 13 to col. 4, line 57; col. 5 line 34 – col. 12, line 50).

However, Probert, Jr. et al. fail to teach sending the data to a universal formatting server after the reformatting step since even data that are compatible with the user's OS still needs to be converted to the format suitable for the user (e.g., word processing format from WordPro to MSWord). CERN teaches sending data to a universal formatting server for converting data suitable for the user (CERN User Guide, page 1-4). At the time the invention was made, it would have been obvious to one of ordinary skill in the art to incorporate the teaching of CERN into the teaching of Probert et al. in order allow the file conversion to be performed according to the user's need.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. United States Patent No. 5,608,874 issued to Ogawa et al.
2. United States Patent No.6,119,137 issued to Smith et al.
3. Canadian Patent Application No. 2,192,237 issued Moskos et al.
4. TOM Server http://wheel.compose.cs.cmu.edu:8001/cgi-bin/browse
5. Olson, Michael A. "DataBlade Extensions for INFORMIX-Universal Server. IEEE, 1997, pages 143-148.
6. Advanced Computer Innovations, Inc. "Instant Online Conversion Service."

http://www.acii.com

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alina N Boutah whose telephone number is (703) 305-5104. The examiner can normally be reached on Monday-Friday (8:30 am-5:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on (703) 308-5221. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-9112 for regular communications and (703) 305-3718 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

ANB

ANB
May 2, 2003

DAVID WILEY
SUPERVISORY PATENT EXAMINER
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